



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

Paper No. 10

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK NY 10020

JUN 07 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

In re Application of
Ram Zamir
Application No. 10/052,567
Filed: January 23, 2002
For: **CROSSTALK MITIGATION IN A
MODEM POOL ENVIRONMENT**

This is a decision on the Petition to Withdraw Holding of Abandonment filed March 30, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

This application became abandonment for failure to timely file a proper response to the Restriction Requirement mailed June 26, 2003 which set a shortened statutory period of one (1) month to reply. That period lapsed without reply, rendering this application abandoned as July 26, 2003. A Notice of Abandonment was mailed on March 11, 2004.

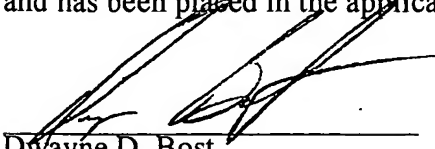
Petitioner alleges to have timely filed a response to the Restriction Requirement on July 21, 2003. To support this position, Petitioner has included with the instant petition, a copy of the postcard receipt, for the filing of the Response to Restriction Requirement on July 21, 2003 and a copy of the Response to the Restriction Requirement.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the amendment submitted with the petition. From there, the application file will be forwarded to the examiner for appropriate action in due course.

It is noted that the IDS dated September 28, 2003 was received by the Office on October 1, 2003 and has been placed in the application file.


Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications